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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/617,504

07/11/2003

Pierluigi Pugliese

PUGLIESE 30

3983

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7590

09/21/2006

HITT GAINES, PC
AGERE SYSTEMS INC.
PO BOX 832570
RICHARDSON, TX 75083

EXAMINER

BLACKWELL, JAMES H

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/617,504	PUGLIESE, PIERLUIGI	
	Examiner	Art Unit	
	James H. Blackwell	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to an amendment filed 06/22/2006 with a priority date of **07/19/2002**.
2. Claims 1-20 are currently pending in the application.
3. Claims 1, and 6 are independent claims.
4. Claims 12-20 are new claims.
5. Rejections under 35 U.S.C. 101 have been withdrawn as necessitated by amendment.
6. Rejections under 35 U.S.C. 112 have been withdrawn as necessitated by amendment.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4, 6-9, 11-15, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thacker (N. Thacker, "Javascript Dynamic Text Area Counter", Copyright 05/19/2000, downloaded from <<http://www.shiningstar.net/articles/javascript/dynamictextareacounter.asp?ID=AW>>).

In regard to independent Claim 1 (and similarly independent Claim 6),
Thacker discloses the limitation of a *computer implemented method of indicating a remaining capacity for concurrently processing a predefined maximal number of data entered in an edit field of an electronic device* (Pg. 1 of 3).

Thacker also discloses the limitation of *determining the remaining capacity* (as characters are entered, JavaScript executes to decrement the counter by one for each character entered).

Thacker also at least discloses a visual indication representing remaining capacity (in addition to the numerical counter) as the remaining text area space not occupied by input characters does indeed indicate visually the remaining space (at least to the extent that Thacker includes a limiting attribute to the text area HTML element). Furthermore, one of ordinary skill in the art at the time of invention would have argued that the numerical countdown counter disclosed by Thacker *is a graphic* by virtue of its having been *rendered* to, in this case, a screen display (this is further evidenced by the well-known fact that HTML elements contain the attribute `bgcolor=hex#` number whereby the background color may be changed; further indicating that the text area is a graphical element in of itself). By the same argument, the entire text area disclosed by Thacker was rendered to a display screen making the claim of a graphical element at least obvious to one of ordinary skill in the art at the time of invention, providing the benefit of avoiding broken or incomplete messages.

In regard to dependent Claim 2 (and similarly dependent Claim 7), based on the arguments with respect to Claims 1 and 6 above, Thacker discloses the limitation of *changing the graphic element in functional dependency to the remaining capacity* since as characters are entered, the numeric display graphic as well as the text area graphic change to indicate that characters have been entered.

In regard to dependent Claim 3 (and similarly dependent Claim 8), based on the arguments from the rejections of Claims 1 and 6 above, Thacker discloses the limitation that *the graphic element is subdivided into two areas, wherein the percentages of the two areas are changed in functional dependency to the remaining available capacity* in that the remaining text area is divided into two portions; that containing entered text and that remaining blank of characters. Though percentages are not strictly listed, it would have been obvious to one of ordinary skill in the art at the time of invention that as text had been entered, that fraction of the text area containing text would visually increase, while the fraction of the text area not containing characters would have visually and physically decreased, providing a visual cue of the number of characters entered and the number of characters remaining.

In regard to dependent Claim 4 (and similarly dependent Claim 9), Claim 4 (and similarly Claim 9), contain subject matter similar to that of Claims 2-3 (and similarly Claims 7-8), and are rejected along the same lines of reasoning.

In regard to dependent Claim 11, Thacker fails to explicitly teach that *the electronic device is a mobile phone*. However, one of ordinary skill in the art at the time of invention would have realized that many mobile telephones had the ability to send text messages. It was also known that a common standard of the time was Simple Message System (SMS) (goes by several other definitions) which had limitations as to the number of characters of text that could be sent in a given message (128, 160 characters were typical). Given these two well-known facts, it was then common at the time of invention to provide a user a means to visually determine how many characters either had been used, or remained in a given input of a message; usually in the form of a numerical counter graphic. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to have known, seen, or used such a text messaging interface as the combination was well known and thus avoided the sending of broken or incomplete messages.

In regard to dependent Claim 12, Thacker fails to disclose the limitation that *the mobile phone is based on a GSM standard*. However, with respect to the arguments in the rejection of Claim 11 above, and that GSM was a well known standard for mobile phones that supported text messaging at the time of invention, one of ordinary skill in the art would have found a phone supporting such a standard obvious.

In regard to dependent Claim 13, Thacker fails to disclose the limitation that *the mobile phone is based on a UMTS standard*. However, with respect to the arguments in the rejection of Claim 11 above, and that UMTS was a well known standard for mobile phones that supported text messaging at the time of invention, one of ordinary skill in the art would have found a phone supporting such a standard obvious.

In regard to dependent Claim 14 (and similarly dependent Claim 18), *the data are textual characters* (see rejection and arguments provided in Claim 1 (and similarly Claim 6).

In regard to dependent Claim 15 (and similarly dependent Claim 19), Claim 15 (and similarly Claim 18) contains subject matter similar to that found in Claim 2 (and similarly Claim 7) and is similarly rejected.

9. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thacker in view of Marks (U.S. Patent No. 6,097,390, filed 04/04/1997, issued 08/01/2000).

In regard to dependent Claim 5 (and similarly dependent Claim 10), Thacker fails to strictly disclose the limitation that *the graphic element is a text cursor associated with the electronic device*. However, Marks teaches that an embodiment of their icon display can be extended to be used with a text-only display using a cursor to indicate progress of a task by gradually filling in sub-blocks within the cursor (Col. 4, lines 29-34). I would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Thacker and Marks as both inventions relate to the visual

depiction of progression of a task. Adding the teaching of Marks provides the benefit of visually displaying progress in a non-GUI, text-only graphic display.

10. Claims 16-17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thacker in view of Hall Jr. et al. (hereinafter Hall, U.S. Patent No. 5,805,166 filed 08/23/1996, issued 09/08/1998).

In regard to dependent Claim 16, Thacker fails to disclose the limitation that *the graphic element visually represents the remaining capacity via a change in color*.

However, Hall discloses the indication of status in a progress bar using a change in color (Col. 5, lines 41-57; Col. 6, lines 1-3). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Thacker and Hall as both inventions are related to indicating progression of a task. Adding the disclosure of Hall provides the benefit of colors to alert the user of status of the task.

In regard to dependent Claim 17 (and similarly dependent Claim 20), Thacker fails to disclose the limitation that *the graphic element visually represents the remaining capacity via flashing frequency*. However, Hall discloses the indication of status in a progress bar using by flashing bar segments (Col. 5, lines 41-57; Col. 6, lines 1-3). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Thacker and Hall as both inventions are related to indicating progression of a task. Adding the disclosure of Hall provides the benefit of a flashing segment to alert the user of status of the task.

Response to Arguments

11. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection. Thacker remains as the primary reference. However, it has been more broadly interpreted to include the limitations of providing a graphical element to display remaining characters in a text entry field. In addition, the prior art of Hall was introduced to disclose the features contained in the newly added claims.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

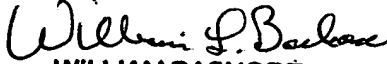
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James H. Blackwell
09/16/2006


WILLIAM BASHORE
PRIMARY EXAMINER